



STATE OF UTAH
NATURAL RESOURCES
Water Rights

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Robert L. Morgan, State Engineer

July 20, 1989

Southwestern Area • 585 N. Main Street • P.O. Box 506 • Cedar City, UT 84720-0506 • 801-586-4231

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JUL 25 1989

WATER RIGHTS
SECTION

Hilda W. Adams
100 South 100 East
Cedar City, UT 84720

Jay S. Adams
1068 So. Cedar Knolls
Cedar City, UT 84720

Larry J. Adams
1604 W. Village Road
St. George, UT 84770

Re: Water User Claim 81-3184, Garden Spring

Dear Mrs. Adams et al:

It was brought to our attention that the above named spring has been developed and piped off the legally described place of use and that the nature of use might also have changed. We made a field examination of the allegation on July 19, 1989 and found a blue plastic barrel at the spring. The flow of the spring is diverted into the barrel and a pipeline connects this source into a larger pipeline that conveys the water to the Virgin Flats area. It appears that this work has been accomplished within the past year.

We are unable to locate any authorization within the Division of Water Rights that would have been necessary prior to the accomplishment of the described project. Anytime the point of diversion, place of use, or nature of use is changed it must be accomplished through the filing and approval of a change application. Since the above work was completed without this authorization it is determined to be illegal and proper action must be taken to correct the situation. We suggest that the barrel and pipeline be removed until proper authorization can be granted.

It is noted that water user claim 81-3184, Garden Spring, is limited to livestock watering and is supplemental to several claims. It would further appear that the livestock watering is limited to use at said spring and that any unused flow would naturally flow down-gradient to help satisfy other uses on that drainage. There is evidence that the spring and runoff water has flowed over or around the larger pipeline and has been used in an irrigation system by the adjacent landowner.

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If you wish to pursue the transfer of this water right to a new place or nature of use then we invite you to visit our office and we can discuss the ramifications of filling a permanent change application. If you have any questions concerning this letter or water rights in general please contact this office for further clarification.

Yours truly

Gerald W. Stoker, P.E.
Area Engineer/Manager

cc: ~~Lee G. Stoker, P.E.~~
Bullock Brothers Engineering, Inc.